

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

EDVIN RUSIS, HENRY GERRITS, PHIL  
MCGONEGAL, and DAVID HO ENG,  
individually and on behalf of all other similarly  
situated individuals,

Plaintiffs,

v.

INTERNATIONAL BUSINESS  
MACHINES CORP.

Defendant.

**1:18-cv-08434 (VEC)**

**NOTICE OF DEFENDANT INTERNATIONAL BUSINESS MACHINES  
CORPORATION'S MOTION FOR PARTIAL JUDGMENT ON THE PLEADINGS AS  
TO THE ADEA CLAIMS OF PLAINTIFFS WHO FILED DEFECTIVE CHARGES OR  
FALL OUTSIDE THE TEMPORAL SCOPE OF THE NAMED PLAINTIFFS'  
ADMINISTRATIVE CHARGES**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of Defendant International Business Machines Corporation's Motion for Partial Judgment on the Pleadings as to the ADEA Claims of Plaintiffs Who Filed Defective Charges or Fall Outside the Temporal Scope of the Named Plaintiffs' Administrative Charges, dated August 14, 2020, and all pleadings, papers, and proceedings filed in the action, Defendant IBM moves this Court before the Honorable Valerie E. Caproni at the United States Courthouse located at 40 Foley Street, New York, New York for an Order pursuant to Federal Rule of Civil Procedure 12(c) granting judgment on the pleadings as to (1) the Age Discrimination in Employment Act ("ADEA") claims brought by three individuals who filed defective administrative charges, specifically, Named Plaintiffs David Ho Eng and Phil McGonegal, and Opt-In Brian Miller; and (2) the ADEA claims brought by 77 Opt-Ins whose claims fall outside the temporal scope of the remaining Named Plaintiffs' charges of age discrimination, specifically, Gregory Abelar,

William Abt, Sonali Bailey Perkins, David Bastian, Anne Bellew, Anne Belt, Steven Black, Jonathan Bournier, Stacy Brisco, Brian Brown, Thomas Caldwell, Hector Campos, Mark Carlton, William Chandler, William Chaplin, William Chastka, Veerabhadra Chinnam, Adam Clements, Amy Starr Conrad, Norman Cooledge, Denise Cote, Vincent Daukas, Michael Davis, Diane Delaney, Mario DiFelice, Joseph Duffin, Joseph Dupre, David Edley, Jefferson Fetherolf, James Fletcher, Arleen Franceschi, John Gates, Om Goeckermann, Phyllis Goss, Linda Gossage, James Greco, Kirk W. Greer, Mark Grill, Mark Guerinot, Yong Jonathan Han, Kimla Hawley, Martin Hernandez, Jennifer Holloway, Eugene Hong, Cynthia Horton, Kenneth Hribar, Ann Johnson, Steven Kauffman, Cynthia Keefer, Robert Klein, Peter Kondis, Raymond Otto Kulisch, Jean Lang, Linwood Lassiter, Charles (Jim) Lundy, Hugh Maloney, Steven Mandel, Kevin Meleski, Ryan Mount, Andrew Odor, David Ogilbee, Danny Peterman, Myriah Prusik, Ronald Ragsdale, David Reynolds, Michael Rosol, Mandee Ross, Randall Ruikka, Alexander Saldarriaga, Maria Schwenger, John Stapleton, Christopher Stevenson, Yvel Sylvain, Bunyan Tadlock, Kevin Thibault, Richard Ulnick, and Thomas Warthen.

Dated: August 14, 2020

Respectfully submitted

By /s/ Matthew W. Lampe

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